



Crl.O.P.(MD).No.5678 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5678 of 2026

and

Crl.M.P(MD) No.6145 of 2026

Chandra

... Petitioner/Sole Accused

Vs

1. The State of Tamil Nadu,

Represented by the Inspector of Police,

Kuruvikulam Police Station,

Tenkasi District.

(Crime No.65 of 2026)

... 1st Respondent/Complainant

2. M.Velmurugan

Sub Inspector of Police,

Kuruvikulam Police Station,

Tenkasi District.

... 2nd Respondent/
De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to Crime No.65 of 2026 on the file of the first respondent police and quash the same.

For Petitioner	: Mr.S.Selva Kumar
For R1	: Mr.Thanga Aravindh. B
	Government Advocate (Crl Side)



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ORDER

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The present petition has been filed by the accused person in Crime No. 65 of 2026 on the file of the first respondent seeking to quash the FIR, wherein the petitioner is charged with offence under Sections 123 of BNS, 2023 r/w 24(1) of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

2. According to the learned counsel appearing for the petitioner, the products are said to have been seized from a person aged about 38 years. Therefore, the said provision is not applicable.

3. The learned Government Advocate (Criminal Side) appearing for the first respondent submitted that the product which has been seized from the accused person, is not falling under the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. However, it is clear that filter tobacco is falling under the Food Safety and Standards Act.



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4. In view of the submissions made by the learned Government Advocate (Criminal Side) appearing for the first respondent, it is clear that it is a banned product under the Food Safety and Standards Act, 2006. Therefore, the defence raised by the petitioner cannot be taken into consideration at this point of time. It is for the first respondent police to alter the charges after investigation. There are no merits in this petition.

5. Accordingly, this Criminal Original Petition stands dismissed. Consequently connected Miscellaneous Petition stands closed.

23.03.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi
To

1. The Inspector of Police,
Kuruvikulam Police Station,
Tenkasi District.
2. The Additional Public Prosecutor,

3/5



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Madurai Bench of Madras High Court,
Madurai.

R.VIJAYAKUMAR, J.

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